

NOT FINAL UNTIL TIME EXPIRES  
TO FILE REHEARING MOTION  
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
THIRD DISTRICT  
JULY TERM, A.D. 2003

|                       |    |                       |
|-----------------------|----|-----------------------|
| THE STATE OF FLORIDA, | ** |                       |
| Petitioner,           | ** |                       |
| vs.                   | ** | CASE NO. 3D03-2598    |
| ROGER ARSHAM,         | ** | LOWER                 |
| Respondent.           | ** | TRIBUNAL NO. 03-12989 |

Opinion filed December 24, 2003.

A Writ of Certiorari to the Circuit Court for Dade County,  
Diane Ward, Judge.

Charles J. Crist, Jr. Attorney General and Roberta G.  
Mandel, Assistant Attorney General, for petitioner.

Ellis Rubin and Robert I. Barrar, for respondent.

Before SCHWARTZ, C.J., and GERSTEN and GODERICH, JJ.

PER CURIAM.

Because the showing made by the criminal defendant below was  
totally insufficient to justify a bodily intrusion into the privacy  
of the alleged victim, the order requiring her to provide a DNA  
sample is quashed. See State v. Famiglietti, 817 So. 2d 901 (Fla.  
3d DCA 2002), review dismissed, 838 So. 2d 528 (Fla. 2003); State

v. Kuntsman, 643 So. 2d 1172 (Fla. 3d DCA 1994); State v. Brewster, 601 So. 2d 1289 (Fla. 5th DCA 1992); Bartlett v. Hamwi, 626 So. 2d 1040 (Fla. 4th DCA 1993).

Certiorari granted.